

## REMARKS

In the above-referenced Office Action, the Examiner rejected claims 1-6 and 8-20 under 35 U.S.C. 102(b) as being anticipated by Fink (US 6,189,265).

In support of his rejection, the Examiner stated, "*Fink discloses a swinging/sliding door mechanism comprised of a pair of doors 1, 2 having seals that mate with seals on the side of the vehicle. The door is has rollers 5, 7 that run on rails 6, 8, or hangers, at the top and bottom of the car. A rotatable drive spindle 12 operates the doors. An electric drive motor 10 rotates the spindle and a drive nut 21 engages the spindle. The movement of the nut and the spindle results in the opening and closing of the doors. A hanger bracket 3 is coupled to the drive means 10 and adapted for linear movement with the drive nut 21 when the spindle 12 is rotated to open and close the doors. A brake system in the form of clutch disks are attached to the spindle 12 and maintain the doors in a locked position, whether that be locked open or locked closed, it prevents the spindle 12 and drive nut 21 from moving the doors. The brake system is further comprised of an emergency actuating device which overrides the controls from the operator of the train to release the brakes and open the door. The signaling for the door to open and close originates with the operator of the train at remote*

location from the doors and the other sets of doors along the length of the train".

The Examiner fully considered Applicant's arguments filed on 07/06/2005 but found them as non persuasive.

The amended independent claims 1, 5, and 16 now specifically recites that "...a brake having a predetermined component directly attached to one of said output shaft of said prime mover and said drive spindle...".

The support for this limitation can be found in FIG. 3 and on page 18 lines 3-8 of the specification.

The brake or the clutch (elements 22, 24-28) of Fink is connected to the spindle (12) via intervening freewheel element (23) and receptacle (22) having a shaft (24). Furthermore, there is no suggestion or motivation in the Fink prior art reference to attach the brake or the clutch (elements 22, 24-28) to the output shaft of the prime mover (10).

Therefore, the present inventions of independent claims 1, 5, and 16 are patentably distinguished from the Fink prior art reference.

Accordingly, the Examiner is respectfully requested to withdraw the rejection of independent claims 1, 5, and 16 under 35 U.S.C. 102(b) as being anticipated by US Patent 6,189,265 to Fink.

With regards to the original independent claim 20, now claim 19, the Fink reference is mute as to method for determining failure of the brake mechanism prior to opening the door of the transit vehicle.

Therefore, the Examiner is respectfully requested to withdraw the rejection of the original independent claim 20, now claim 19, under 35 U.S.C. 102(b) as being anticipated by US Patent 6,189,265 to Fink.

Applicant appreciates the indication that the Claim 7 "is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims".

New independent claim 21 has been drafted to reflect claim 7 rewritten in independent form and including all of the limitations of the base claim 1.

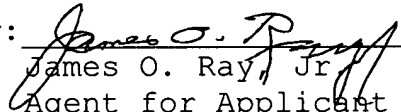
### **Conclusion**

In view of the above amendments to the claims and the remarks associated therewith, Applicant believes that independent claims 1, 5, 16, 19 and 21 are in a condition for allowance and such allowance by the Examiner is respectfully requested. Since it is believed that independent claims 1,

5, 16, 19 and 21 are in condition for allowance, their dependent claims, further providing limitations are also in a condition for allowance.

In the event the Examiner has further difficulties with the allowance of the application, he is invited to contact the undersigned attorney by telephone at 412-380-0725 to resolve any remaining questions or issues by interview and/or by Examiner's amendment as to any matter that will expedite the completion of the prosecution of the application.

Respectfully submitted,

By:   
James O. Ray, Jr.  
Agent for Applicant  
Registration No. 27,666

JAMES RAY & ASSOCIATES  
2640 PITCAIRN ROAD  
MONROEVILLE, PA 15146

TELEPHONE: 412-380-0725  
FACSIMILE: 412-380-0748